

No. 05-4088

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NOBLE SHAHEED ALLAH-EL,

Plaintiff-Appellant,

v.

OHIO JUDICIAL CENTER, et al.,

Defendants-Appellees.

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ORDER

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JAMES BONINI
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DEC 01 2005
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EASTERN DIST. OHIO
LEONARD GREEN, Clerk

2:05-cv-447
Kmymla

Before: GUY and GIBBONS, Circuit Judges; EDMUNDS, District Judge.*

This matter is before the court upon consideration of the appellant's response to this court's order directing him to show cause why his appeal should not be dismissed on the basis of a late notice of appeal. The appellant, a resident of Miami, Florida, responded to this court's order stating that he received the judgment of the district court late due in part because of the natural disaster in his hometown of New Orleans.

It appears from the documents before the court that the district court's judgment was entered on June 15, 2005. The notice of appeal filed on August 10, 2005 was late. *See* Fed. R. App. P. 4(a) and 26(a).

Compliance with Fed. R. App. P. 4(a) is a mandatory prerequisite which this court may neither waive nor extend. *Baker v. Raulie*, 879 F.2d 1396, 1398 (6th Cir. 1989) (per curiam). Fed. R. App. P. 26(b) specifically provides that this court may not enlarge the time for filing a notice of appeal. The appellant's notice of appeal did not allege that he received the decision late nor did he file a Fed. R. App. P. 4(a)(5) motion for an extension of time or a Fed. R. App. P. 4(a)(6) motion to reopen the appeal period.

*The Honorable Nancy G. Edmunds, United States District Judge for the Eastern District of Michigan, sitting by designation.

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Accordingly, it is ordered that the appeal is dismissed.

ENTERED BY ORDER OF THE COURT

Richard Green
Clerk

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JAN 10 2006
CLERK OF COURT
U.S. DISTRICT COURT
DISTRICT OF COLUMBIA